UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1995/759
31 August 1995

ORIGINAL: ENGLISH

LETTER DATED 31 AUGUST 1995 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF YUGOSLAVIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Upon instructions of my Government, I am writing to you concerning the statement made by the Croatian President, Mr. F. Tudjman, at a public rally in Split on 26 August 1995, and have the honour to state the following.

On that occasion, Mr. F. Tudjman said that he would overrun Srem, Baranja and Eastern Slavonia (United Nations Protected Area (UNPA), Sector East) in the same manner he did with other areas (UNPA, Sectors West, North and South) that were supposed to be under tne United Nations protection and whose status was to be determined by peaceful means, i.e., through negotiations of the interested parties.

At a rally in Knin on 26 August 1995, Mr. F. Tudjman said, inter alia, that "from now on Knin was Croatian and that it will never be as it was before". He also said that "up to now the Croatian people were not allowed to live alone on their own soil".

As is well known, Croatia occupied UNPAs, Sectors West, North and South, by resorting to the acts of aggression, genocide, war crimes and crimes against humanity which culminated in total "ethnic cleansing" of the territories under attack. The very act of the expulsion of the total population from the area can be characterized as the crime of genocide as defined in the Convention on the Prevention and Punishment of the Crime of Genocide (1948), to which Croatia is a party.

The above-mentioned threat of Mr. Tudjman that "from now on Knin was Croatian and that it will never be as it was before" represents a crime against peace and security of mankind in itself, namely the announcement of further violation of all major international norms and human rights.

In the first place, the Serb people have been denied the right to life and the right to live on the soil they have inhabited for centuries, which has been implicitly stated in Mr. F. Tudjman's statement that "from now on Knin was Croatian".

It is also evident from this statement that Mr. F. Tudjman has no intention whatsoever of complying with the demands set out in Security Council resolution 1009 (1995) of 10 August 1995, adopted following Croatia's aggression on the Republic of Serb Krajina, in which the Council demands that Croatia "respect fully the rights of the local Serb population including their right to remain, leave or return in safety".

The continuing torching of the Serb houses immediately after the Croatian aggression confirms that Mr. F. Tudjman has resorted to ruthless measures in order to make good on his threats. According to the representatives of the United Nations and the humanitarian organizations in the field, more than 80 per cent of the Serb houses have been destroyed.

Such statement by Mr. F. Tudjman contains all the elements of racial discrimination, hatred and intolerance as well as a denial of the right of any non-Croatian person to live in those areas. Such open incitement of racial hatred and intolerance represents, inter alia, a total failure to honour the basic principles of respect for other peoples, ethnic and religious groups and their rights, set out in the International Convention on the Elimination of All Forms of Racial Discrimination, the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and other documents adopted within the United Nations that are binding for all Member States and embrace generally accepted civilizational norms.

By this statement, the Croatian President once again reaffirmed his intention to continue his criminal policy against the Serb people.

The totally inadequate response by the Security Council to the past acts of aggression, genocide, war crimes and crimes against humanity as well as for the mass exodus of 500,000 Serbs from Croatia has served as an encouragement to Mr. Tudjman to continue with those crimes. Certain great Powers, which, in violation of the decision on the total embargo on all arms deliveries and military equipment to all entities in the former Socialist Federal Republic of Yugoslavia, adopted by the Security Council in its resolution 713 (1991) of 25 September 1991, have provided arms to the Croatian army and assisted in training their army, share in the responsibility for not undertaking any action to prevent Croatia from committing those crimes, except from verbally condemning those acts. Their responsibility is all the greater since as members of the Security Council they failed to carry out their responsibilities in so far as they did not undertake the necessary measures to prevent Croatia from committing those crimes.

The Federal Republic of Yugoslavia appeals to all States, particularly the permanent members of the Security Council, to undertake the necessary measures under Chapter VII of the Charter of the United Nations and prevent Croatia from the further commission of those crimes. The Security Council's failure to act adequately and timely makes its Member States responsible for all the crimes committed and those that may be committed in the future since they did not honour their obligations under the Charter. The Federal Republic of Yugoslavia wishes to underline that it is high time that the Security Council fulfilled its

obligations arising from the Charter and by taking effective measures under Chapter VII to prevent Croatia from committing any further crimes.

I should be grateful if you would have the present letter circulated as a document of the Security Council.

(Signed) Dragomir DJOKIC
Ambassador
Chargé d'affaires a.i.